

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kevin Kauffman,

Plaintiff,

-against-

New York Presbyterian Hospital,

Defendant.

ANALISA TORRES, District Judge:

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23 Civ. 4964 (AT) (RWL)

ORDER

On June 12, 2023, Plaintiff *pro se*, Kevin Kauffman, filed this action against his former employer, New York Presbyterian Hospital (“NYPH”), after NYPH denied him a religious exemption from its mandatory COVID-19 vaccine policy and terminated him. Compl., ECF No. 1. Kauffman asserted religious-discrimination claims pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.*; the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290 *et seq.*; and the New York City Human Rights Law (the “NYCHRL”), N.Y.C. Admin. Code § 8-101 *et seq.* *Id.* On October 2, 2023, NYPH moved to dismiss Plaintiff’s complaint pursuant to Fed. R. Civ. P. 12(b)(6). ECF Nos. 13–15. On October 3, 2023, the Court referred the motion to Magistrate Judge Robert W. Lehrburger. ECF No. 17.

After careful consideration, Judge Lehrburger issued a Report and Recommendation (the “R&R”), proposing that the Court dismiss the Title VII claim, decline supplemental jurisdiction over the NYSHRL and NYCHRL claims, and grant leave to amend. R&R, ECF No. 25. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 18; *see* Fed. R. Civ. P. 72(b)(2); Dkt. Entry 5/20/24. When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Lehrburger’s R&R in its entirety. NYPH’s motion to dismiss is GRANTED. Plaintiff’s claims are DISMISSED without prejudice. If—and only if—Plaintiff has a good-faith basis to plead facts that would adequately state a claim upon which relief may be granted, he may amend his complaint by **July 15, 2024**.

The Clerk of Court is directed to terminate the motion at ECF No. 13 and mail a copy of this order to Plaintiff.

Dated: June 10, 2024
New York, New York



ANALISA TORRES
United States District Judge